



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/565,192

03/30/2007

Gilles Jacquet

71247-0052

9534

22902

7590

04/13/2009

CLARK & BRODY

1090 VERMONT AVENUE, NW

SUITE 250

WASHINGTON, DC 20005

EXAMINER

FERGUSON, MICHAEL P

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

04/13/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/565,192	Applicant(s) JACQUET, GILLES	
	Examiner MICHAEL P. FERGUSON	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,8 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 20 January 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species 1, Figure 3, claims 1-3, 5-8 and 10-13, in the reply filed on August 27, 2008 is acknowledged.
2. Claims 4 and 9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on August 27, 2008.

Claim Objections

3. Claims 1 and 6 are objected to because of the following informalities:

Claim 1 (line 2) recites "tarpaulin or similar". It should recite --tarpaulin--.

Claim 1 (lines 2-3) recites "where this molding includes". It should recite --the molding including--.

Claim 1 (line 3) recites "more or less parallel". It should recite --substantially parallel--.

Claim 6 (line 2) recites "is "V" shaped". It should recite --is V-shaped--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

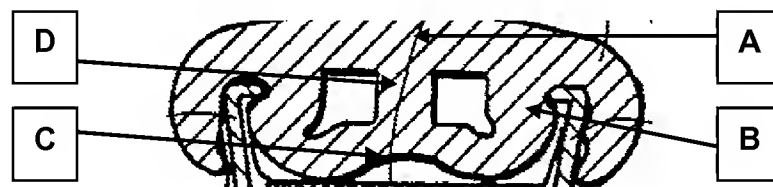
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3679

5. Claims 1, 2, 5, 6, 8 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Uetake et al. (US 4,916,767).

As to claim 1, Uetake et al. disclose a molding **4** for the securing of a fabric **2** or tarpaulin in a groove of a supporting structure **3**, the molding including a core **A** from which extend at least two elastically deformable wings **B** (Figure 6 reprinted below with annotations), substantially parallel to each other and separate from each other, as well as elastically deformable reinforcing resources **C** positioned between the wings,

characterized in that the reinforcing resources include at least one bowed spacer **C** extending between the two wings and connecting the ends of the wings located away from the core, the reinforcing resources including end-stop resources **D** intended to limit the movements of the spacer, and designed to oppose bending of the spacer after a certain point of approach of the wings (end-stop resources **D** oppose bending of spacer **C** at any point during any flexing of wings **B**; Figure 6).



As to claim 2, Uetake et al. disclose a molding characterized in that the core **A**, the wings **B** and the bowed spacer **C** form a single-block assembly (Figure 6).

As to claim 5, Uetake et al. disclose a molding characterized in that a concave side of the spacer **C** is oriented away from the core **C** (Figure 6).

As to claim 6, Uetake et al. disclose a molding characterized in that the spacer **C** is V-shaped (Figure 6).

As to claim 8, Uetake et al. disclose a molding characterized in that the end- stop resources include at least one rib **D** attached to the spacer **C** extending in the direction of the core **A** (Figure 6).

As to claim 10, Uetake et al. disclose a molding characterized in that each wing **B** has a convex securing shape, in the vicinity of its end away from the core **A** and on its outer face (Figure 6).

As to claim 11, Uetake et al. disclose a molding characterized in that the base of each wing **B** is located at a distance from a nearest edge of the core **A** of the molding (Figure 6).

As to claim 12, Uetake et al. disclose a molding characterized in that the core **A** is substantially flat (Figure 6).

As to claim 13, Uetake et al. disclose a decorative or advertising panel that includes:

a support structure **3** which has at least one peripheral groove,
a rod **4** inserted into in the groove in order to clamp within it a stretched fabric **2** or tarpaulin,
characterized in that the rod is composed of a molding **4** (Figure 6).

Response to Arguments

6. Applicant's arguments filed February 4, 2009 have been fully considered but they are not persuasive.

As to claim 1, Attorney argues that:

Uetake et al. do not disclose a molding wherein the reinforcing resources include end-stop resources intended to limit the movements of the spacer, and designed to oppose bending of the spacer after a certain point of approach of the wings.

Examiner disagrees. As to claim 1, Uetake et al. disclose a molding **4** wherein the reinforcing resources **C** include end-stop resources **D** intended to limit the movements of the spacer **C**, and designed to oppose bending of the spacer after a certain point of approach of the wings **B** (end-stop resources **D** opposes bending of spacer **C** at any point during any flexing of wings **B**; Figure 6).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MICHAEL P. FERGUSON** whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

Art Unit: 3679

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPF
04/10/09

/Michael P. Ferguson/
Primary Examiner, Art Unit 3679